

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

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| STATE OF OHIO, | : | APPEAL NOS. C-130049 |
| | | C-130050 |
| Plaintiff-Appellee, | : | C-130051 |
| | | C-130052 |
| vs. | : | TRIAL NOS. C-12TRC-41751(A) |
| | | C-12TRC-41751(B) |
| JONATHAN BOWDEN, | : | C-12TRC-41751(C) |
| | | C-12TRC-41751(D) |
| Defendant-Appellant. | : | |

JUDGMENT ENTRY.

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Jonathan Bowden appeals his convictions for operating a vehicle while intoxicated (“OVI”) in violation of R.C. 4511.19(A)(2), driving while under a suspension, and a marked-lanes violation.

In two assignments of error, Bowden challenges the weight and sufficiency of the evidence supporting his OVI conviction. In reviewing the sufficiency of the evidence to support a conviction, the relevant inquiry for an appellate court “is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *State v. Waddy*, 63 Ohio St.3d 424, 430, 588 N.E.2d 819 (1992). To reverse a conviction on the manifest weight of the evidence, an appellate

court must review the entire record, weigh the evidence and all reasonable inferences, consider the credibility of the witnesses, and conclude that, in resolving the conflicts in the evidence, the trier of fact clearly lost its way and created a manifest miscarriage of justice in finding the defendant guilty. *State v. Thompson*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997).

To find Bowden guilty of OVI under R.C. 4511.19(A)(2), the trier of fact had to find that he had a prior OVI conviction within the past 20 years, that he had operated a vehicle while under the influence of alcohol, and that following his arrest, he had refused to submit to a chemical test.

In this case, Bowden's OVI conviction was in accordance with the evidence. A police officer testified that, at about 3:00 a.m., he followed a Jeep whose driver committed several marked-lanes violations. When the officer activated his lights to make a traffic stop, the Jeep driver was slow to stop. The Jeep drifted to the right, as if the driver was going to pull over in a safe spot, but then the driver suddenly jerked the Jeep back to the left into the lane of travel and came to a sudden, abrupt stop in the roadway.

The officer's lights illuminated the interior of the Jeep. The officer saw a person in dark clothing move from the driver's seat to the center of the rear seat. As he approached the Jeep, he saw that no one was in the driver's seat and that Bowden was sitting in the center of the rear seat in dark clothing next to a woman. Another woman was sitting in the front passenger seat. Both women wore lighter colored clothing. According to the officer, "They had been at a club, so they were in clubbing clothes."

The officer testified that Bowden had bloodshot, glassy eyes, a strong odor of an alcoholic beverage emanating from him, and slow speech. Bowden admitted to

having had a “few drinks.” The officer said that Bowden’s responses to his questions made no sense. Following his arrest, Bowden refused to take a chemical test. At trial, he stipulated that he had had a recent OVI conviction.

Following our review of the record, we hold that the state presented sufficient evidence of Bowden’s guilt and that his conviction was not against the manifest weight of the evidence. We overrule the assignments of error and affirm the trial court’s judgment.

We dismiss the appeals in the cases numbered C-130051 and C-130052 because Bowden has raised no assignments of error as to the convictions in those cases. We also dismiss the appeal in the case numbered C-130050 because Bowden was not convicted of the offense in that case.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

HENDON, P.J., HILDEBRANDT and CUNNINGHAM, JJ.

To the clerk:

Enter upon the journal of the court on October 9, 2013
per order of the court _____.
Presiding Judge